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File No. O. Finance/5
Legal Department
A **BRANCH**

Subject:—

opinions under the

Bombay Finance Act,

1932

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File No. O. Finance/51.

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C O N T E N T S.

Legal Department File No. O. Finance/51.

Sr.No.	R.I./O.No.	Subject	Pages.
		Opinions under the Bombay Finance Act, 1932	
1.	17630/7-11-1951	Section 6. The States' Merger(Bombay) Order 1950, para. 4. Whether the Abu-Road Electricity Supply Co. can be deemed to be a licensee within the meaning of the Indian Electricity Act, 1910, and whether it could collect electricity duty at the rates prevalent in the Banaskantha Distt. or whether it is necessary to issue to it a fresh licence.	1-4

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OFFICE OF THE R.L.A.

The Abu Road Electric Supply Company was, it appears, granted a licence by the Sirohi State in the year 1945 to supply electricity. Under one of the conditions of the Licence the company was recovering a surcharge of 3 pies per unit from the consumers. After the merger or Sirohi State the company was asked to collect electricity duty under the provisions of the Bombay Finance Act, 1932. The company has stopped collecting the surcharge as authorised by the Sirohi State and started collecting electricity duty with effect from 1st April 1951. No such duty has however been collected in respect of the period from 25th January 1950 to 31st March 1951. The question raised by the R.D. for the consideration of the R.L.A. is whether the Electric Supply Company can be deemed to be a licensee within the meaning of the Indian Electricity Act, 1910, and whether it could collect electricity duty at the rates prevalent in the Banaskantha district; or whether it is necessary to issue to it a fresh licence under the Electricity Act, 1910.

2. Under para. 4 of the States' Merger (Bombay) Order, 1950, which had been specially made for the administration of the merged Sirohi State area, all laws in force in that area immediately before the date of the commencement of the Order ceased to be in force in that area and all laws in force in the District of Banaskantha were extended to, and brought in force in, that area. The proviso to that para. provides that anything done or any action taken under the

the laws in force in the said merged area, before the date of the commencement of the order, shall be deemed to have been done or taken under the corresponding law, extend to, and be in force in, the merged area. The licence granted by the Sirohi State Administration under the Indian Electricity Act, 1910 as applied to the State, ~~[illegible]~~ to the Abu Road Electric Supply Company to supply electrical energy will, therefore, with effect from 25th January 1950, be deemed to have been granted under section 3 of the Indian Electricity Act, 1910. It is not, therefore, necessary to issue to the Company a fresh licence under that Act.

3. In view of the position stated above it would be the duty of the Abu Road Electric Supply Company to recover electricity duty at the rates specified in the First Schedule to Part II of the Bombay Finance Act, 1932 (vide sec. 6 of that Act). It appears that it would also be in order to recover the arrears of the electricity duty in respect of the period from 25th January 1950 to 31st March 1951.

Id/- J.R.D. 6/11

Remembrancer of Legal Affairs.

U.R. to R.D. No. 17630, dated the 7th November 1951.

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